

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

John J. Sweeney, Jr.

v.

Civil No. 12-cv-276-SM

New Hampshire State Prison

O R D E R

In this action, John J. Sweeney, Jr., an inmate at the New Hampshire State Prison ("NHSP"), has filed a complaint (doc. no. 1) and complaint addenda (doc. nos. 7, 9, and 11),¹ alleging violations of his federal constitutional and statutory rights at the NHSP. The complaint (doc. nos. 1, 7, 9, and 11) is before the court for preliminary review to determine whether it states any claim upon which relief might be granted. See 28 U.S.C. § 1915A(a); United States District Court District of New Hampshire Local Rule ("LR") 4.3(d)(2).

For reasons stated in a report and recommendation issued this date, the court finds that Sweeney has stated claims upon which relief may be granted alleging excessive force and retaliation claims against Corrections Officer ("C.O.") Sullivan (first name unknown "FNU")), excessive force claims against Cpl.

¹Sweeney's pleadings (doc. nos. 1, 7, 9, and 11) are taken together as the complaint in this matter for all purposes.

FNU Samson and C.O. FNU Logan, and a claim under the Americans with Disabilities Act, 42 U.S.C. § 12132, against the NHSP.

The clerk's office is directed to add defendants Sullivan, Samson, and Logan to the caption of this matter in the docket. The clerk's office is further directed to serve the New Hampshire Office of the Attorney General ("AG"), as provided in the Agreement on Acceptance of Service, electronic copies of the report and recommendation issued this date, this order, the order issued on October 26, 2012 (doc. no. 8), and the complaint (doc. nos. 1, 7, 9, and 11). Within thirty days from receipt of these materials, the AG will submit an Acceptance of Service notice to the court specifying whether all of the defendants have authorized the AG to receive service on their behalf. When the AG files the Acceptance of Service, service will be deemed made on the last day of the thirty-day period for all defendants who accept AG representation.

If defendants do not authorize the AG to receive service on their behalf, or the AG declines to represent any or all of the defendants, the AG shall, within thirty days from receipt of the aforementioned materials, provide to the court the last known address of those defendants. In that event, the clerk's office is instructed to complete and issue a summons for each of those

defendants, using the last known address provided, and forward the summonses, along with the above-listed documents, to the U.S. Marshal to complete service on the defendants in accordance with this Order and Fed. R. Civ. P. 4(c)(3).

Defendants are instructed to answer or otherwise plead within twenty-one days of service. See Fed. R. Civ. P. 12(a)(1)(A).

Plaintiff is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on the defendants by delivering or mailing the materials to the defendants or their attorney(s), pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.



Landya McCafferty
United States Magistrate Judge

December 18, 2012

cc: John J. Sweeney, Jr., pro se

LBM/jba